

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1233 of 2023

Arising Out of PS. Case No.-885 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. ARUN SINGH SON OF LATE RAMESH SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA
2. AJAY KUMAR SINGH @ AJAY SINGH SON OF LATE RAMESH SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA
3. VISHAL KUMAR SINGH @ GOLU SINGH @ VISHAL SINGH SON OF LATE AJAY KUMAR SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA
4. VIVEK SINGH @ VIVEK KUMAR SINGH SON OF ARUN SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA
5. GOPAL KUMAR @ GOPAL SINGH SON OF KISHORI LAL SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA
6. TIRLOKI KUMAR SINGH @ TRILOKI SINGH SON OF PARMESHWAR SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA
7. DURGESH SINGH @ DURGESH KUMAR SINGH SON OF LATE AMARJEET SINGH R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAM BALAM RAM SON OF RAMESHWAR RAM R/O VILLAGE- LOHRI, P.S.- MUFFASIL, DISTRICT- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-04-2023 At the outset of argument learned counsel for the appellants seeks permission to withdraw the appeal of appellant No.5, Gopal Kumar @ Gopal Singh.

Prayer is allowed.



This appeal is dismissed as withdrawn against appellant No.5.

Heard learned counsel appearing on behalf of the appellants No. 1 to 4 and 6 to 7, the State and the respondent No.2.

This is an appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Patna Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the order dated 04.02.2023 passed by learned Additional Sessions Judge-III-cum- Special Judge, (SC/ST/MP/MLA) Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 885 of 2022, registered under Sections 323, 325 and some other ancillary Sections of the Indian Penal Code, Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act whereby the prayer for anticipatory bail of appellants has been rejected.

As per prosecution case, on 06.12.2022 when the son of informant went to Newaji Tola to purchase vegetable his co-villager, namely, Triloki Singh (Appellant No.6) and his Nephew Durgesh Singh (Appellant No.7) surrounded him and abused him by naming his caste and on protest they damaged his motor cycle and also snatched his watch and mobile. On



07.12.2022 at 7 AM all the FIR named accused persons came to the house of informant and assaulted the son and wife of informant also abused him by calling his caste name.

It is submitted on behalf of appellants that on account of some petty dispute a free fight took place in which both sides sustained injury. There is case and counter case and the present case is counter blast of Chapra Muffasil PS case No. 929/2022 lodged by Rajmani Devi against the informant's son and two others. It is next submitted that the occurrence did not take place in public view, therefore, no case under section SC/ST Act is made out.

However, learned counsel for the State and the respondent No.2 vehemently opposed the prayer for anticipatory bail and submitted that appellants are named in the FIR.

Considering the facts and circumstances of the case, let the appellants No. 1 to 5 and 6 to 7, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum- Special Judge, (SC/ST/MP/MLA) Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 885 of



2022, subject to condition as laid down u/s 438(2) of the Cr.P. C.

Accordingly, the impugned order is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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